FILED
08 JUL 21 AM 10:57
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Ruben TORRES-Gallardo** Defendant.	Magistrate Case No.________ COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Aliens Without Presentation '08 MJ 2207

The undersigned complainant being duly sworn states:

On or about **July 18th, 2008**, within the Southern District of California, **Ruben TORRES-Gallardo (Defendant)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Maria Santos HERNANDEZ-Pena, Tomasa HERNANDEZ-Pena and Margarita ALONSO-Martinez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
Customs and Border Protection

SWORN BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21ST** DAY OF **JULY, 2008**.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Liliana De Anda, declare under penalty of perjury the following to be true and correct:

The complainant states that **Maria Santos HERNANDEZ-Pena, Tomasa HERNANDEZ-Pena and Margarita ALONSO-Martinez** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 18th, 2008 at approximately 2:39 AM, **Ruben TORRES-Gallardo (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry. Defendant was the driver and sole occupant of a 1995 BMW 325I. During a primary inspection before a United States Customs and Border Protection (CBP) Officer, Defendant presented a United States Passport bearing the name and photograph of Fortino Robles. The CBP Officer received two negative Customs declarations and noticed Defendant was not making eye contact. The CBP Officer conducted a cursory inspection of the vehicle and discovered human beings concealed in the trunk. The CBP Officer requested assistance and CBP Officers responded. Defendant was taken into custody and escorted to a secondary office for further investigation. The vehicle was then driven to the secondary lot for further inspection.

During secondary inspection, it was confirmed, Defendant was an imposter to the United States Passport he had presented as his own. Defendant was determined a citizen and national of Mexico without the legal documentation that would permit his legal entry into the United States.

In the secondary lot, CBP Officers removed four (4) individuals out of the trunk of the vehicle. These four (4) individuals were determined to be citizens and nationals of Mexico without the legal documentation that would permit their legal entry into the United States. These individuals were identified as **Maria Santos HERNANDEZ-Pena , Tomasa HERNANDEZ-Pena, Margarita ALONSO-Martinez (Material Witnesses)** and Diana Guadalupe LOPEZ-Jaques.

During a videotaped interview, Defendant was advised of his Miranda rights and elected to submit to questioning without a lawyer present. Defendant admitted knowledge of the concealed aliens. Defendant agreed to drive the vehicle and to deliver the aliens to an unknown location near Palomar Avenue exit in Chula Vista, CA. Defendant conveyed he was offered to pay a smuggling fee of $700 USD if he was successful in the act. Defendant admitted the United States Passport he presented was not rightfully issued to him. Defendant stated the document and the vehicle were given to him to be used for the smuggling act. Defendant admitted he possesses no documents or other benefit that would permit his legal entry into the United States.

Continued on Page 2

Continuation of Probable Cause Statement
RE: Ruben TORRES-Gallardo

A videotaped interview was conducted with the Material Witnesses. Material Witnesses admitted they are citizens of Mexico with no documents to lawfully enter the United States. Material Witnesses stated they were going to pay a fee ranging from $2,000.00 USD to $4,000.00 USD for being smuggled into the United States. Material Witnesses destinations were Los Angeles and Laguna Niguel California.

Executed on this **18th** day of **July 2008** at **2:00 PM.**

Liliana De Anda / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 2 pages, I find probable cause to believe that the defendant named therein committed the offense on **July 18th, 2008** in violation of Title 8, United States Code, Section 1324.

MAGISTRATE JUDGE

7/19/2008 204 PM
DATE / TIME